

Exhibit 16

C. Kauffman

IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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PENNSYLVANIA STATE CONFERENCE OF THE NAACP, et al.,

Plaintiffs,

Case No.

1:22-cv-00339-SPB

vs.

LEIGH M. CHAPMAN, In Her Official Capacity as Acting
Secretary of the Commonwealth, et al.,

Defendants.

- and -

EAKIN, et al.,

Plaintiffs,

Case No.

1:22-cv-00340

vs.

ADAMS COUNTY BOARD OF ELECTIONS, et al.,

Defendants.
-----x

REMOTE VIDEOTAPED DEPOSITION OF

CODY L. KAUFFMAN

30(b)(6): Berks County Board of Elections
Jefferson Hills, Pennsylvania

February 17, 2023

Reported by:

THOMAS A. FERNICOLA, RPR

JOB NO. 222619

1 C. Kauffman

2 Q So if the ballot doesn't include
3 a date, then it's not compliant with
4 Ball v. Chapman or the law, right?

5 A Correct. Well, with
6 Ball vs. Chapman, correct.

7 Q Then if the voter did provide a
8 date within the range, then it's a
9 compliant vote with Ball vs. Chapman,
10 right?

11 A Correct, yes. If it's a date
12 that falls within the ranges outlined in
13 Ball vs. Chapman, it's otherwise timely
14 received, then, yes.

15 Q So that's the end of the analysis
16 when the Berks Board is reviewing the date
17 on the envelope, right, for that
18 handwritten date?

19 A In determining if it's compliant
20 with legal requirements, yes, I think
21 that's fair.

22 Q So other than determining whether
23 the ballot is compliant with legal
24 requirements, is there any other reason why
25 the Berks Board uses that handwritten date?

1 C. Kauffman

2 A Currently, I can't think of any.

3 In the past, like in 2020, there
4 would have been the three-day extension
5 that was issued. But currently as it
6 stands, no, I can't think of any.

7 Q Right.

8 And what you're referring to back
9 in 2020 is that if there wasn't a clear
10 postmark, you could check that date to see
11 if there was proof the ballot was mailed
12 after the polls were closed on Election
13 Day; is that right?

14 A Right. Yes, if there wasn't a
15 clear postmark, I believe ballots would be
16 presumed timely unless a preponderance
17 demonstrated that it wasn't.

18 And I think in that instance, the
19 date, you know, would be very relevant to
20 that preponderance analysis.

21 But you're correct, that's what
22 I'm referring to.

23 Q That was for the November 2020
24 Election, right?

25 A That's correct, yes.